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09/265,489	03/09/1999	SASHIKANTH CHANDRASEKARAN	OI7011472001	4574

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EXAMINER	
TO, BAOQUOC N	

ART UNIT	PAPER NUMBER
2162	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/265,489	CHANDRASEKARAN ET AL.	
	Examiner	Art Unit	
	BAOQUOC N. TO	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 August 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16-51* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 and 16-51 are pending.

Response to Arguments

2. Applicant's arguments filed 08/12/2009 have been fully considered but they are not persuasive.

Applicant argument and the DECLARATION OF SASHIKANTH CHANDRASEKARAN AND ASHOK SAXENA filed on 02/25/2009 is sufficient to overcome the Anderson reference. Another reference has been found Robertson et al. (Patent Number 5,613,635). Below is the examiner opinion regarding to the claimed invention and the newly cited reference.

Applicant argues the system as claimed is hardware; however, it is not true due to the applicant's specification on page 54 and specifically lines 10-11 recited "thus embodiments of the invention are not limited to any specific combination of hardware circuitry and/or software." Based on the broadest interpretation of recited lines, the system as claimed intended to cover program or software per se.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 13-14, 16-30 and 38-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 13, 21 and 38 are lacked of physical components to constitute a machine as defined within 35 U.S.C 101. Rather, the system as recited in claims 13 and 21 are program or software per se. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 38-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant invoked 112 6th paragraph for claims 38-44; however, the specification do not provides a specific embodiment to support for the claimed 38-44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-14 and 16-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson et al. (US. Patent No. 5,631,635) in view of Smith et al. (6,282,564 B1).

Regarding on claims 1 and 54, Robertson teaches a method for managing information to be accessed by multiple consumers, said information comprising one or more information records, said information records to be accessed by said multiple consumers in a specified order, each said information record comprising data to be accessed by a consumer, said method comprising:

Providing said data of an information record to a consumer (alert the user) (col. 3, lines 5-9);

Updating a history table (when a response to for a particular message is generated, the controller 8 may update the tracking table 54 to delete therefrom the address of that particular message if desired) (col. 4, lines 47-49), said history table comprising a history record for each consumer for said information record, said history record comprising a message stage field for indicating whether said data of said information record have been provided to said consumer (when a response to for a particular message is generated, the controller 8 may update the tracking table 54 to delete therefrom the address of that particular message if desired) (col. 4, lines 47-49).

Robertson also discloses a tracking table for tracking the message including paging message fields and vector fields and other fields (col. 2, lines 26-53). However, Anderson does not explicitly teach updating comprising setting said message state field in a history record corresponding to said consumer to indicate said consumer accessed said data. On the other hand, Smith discloses updating comprising setting said message state field in a history record corresponding to said consumer to indicate said consumer accessed said data (col. 10, lines 12-15). This suggests the status indicator indicates the record has been read. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Anderson's system to update the message stage field to indicate the viewer have been read the message as taught by Robertson in order to allow the automatic message deletion upon all user read the message.

Regarding on claim 2, Robertson teaches the method for managing information of claim 1, in which each said information record further comprises a message identifier value that identifies the data of said information record and each said history record further comprises a message id field that identifies data in an information record (message field…) (col. 2, lines 30-33).

Regarding on claim 3, Robertson teaches the method of managing information of claim 2, in which each said history record further comprises a consumer id field that identifies a consumer of said multiple consumers that is to access data in an information record, said data identified by said message id field, said consumer id field of said

history record identifying said history record as corresponding to said consumer (other fields) (col. 26-53).

Regarding on claim 4, Robertson teaches the method for managing of claim 3, in which said updating comprising setting said message state field in the history record with a message id field the identifies said data that said consumer is provided access to and with a consumer id field that identifies said consumer (other fields) (col. 26-53).

Regarding on claims 5 and 47, Roberson teaches the methods for managing information of claim 1, in which prefix index key compression is used to store only on instance of a message identifier value that identifies the data of an information record in said history table for each history record for said information record (seven bit value representing one of the 128 number extending from 0 to 127) (col. 26-53).

Regarding on claim 6, Robertson teaches the method for managing information of claim 1, further comprising: storing data to be accessed by a consumer in an information record creating a history record for each consumer that is access said data, and setting said message state field in each said history record to indicate said data has not been accessed (tracking table include fields and the message which has not been deleted to indicate the message have not been read) (col. 4, lines 47-49).

Regarding on claim 7, Robertson teaches the method for managing information of claim 1, further comprising: a read-order table comprising order data that indicates the relative order that data in said information record is to be accessed by said multiple consumers, said method further comprising identifying the data of in information record

that a consumer is to be provided access to by said order data in said read-order table (tracking table include a setting of read only access) (col. 2, lines 57-53).

Regarding on claim 8, Anderson teaches the method for managing information of claim 1, further comprising:

reading one or more history records of said history table, said one or more history records comprising a history table read; and deleting an information record if all the message state fields in all of the history records of said history table read indicate that said data in said information record has been accessed (delete the message if desired) (col. 4, lines 47-49).

Regarding on claim 9, Robertson teaches the method for managing information of claim 9, further comprising:

a work list table, said work list table comprising one or more work entries, each work entry comprising an identification of data in an information record (tracking table) (col. 4, liens 47-49).

Regarding on claim 10, Robertson teaches the method for managing information of claim 9, further comprising: adding a work entry to said work list table, said work entry comprising an identification (adding call to the tracking table) (col. 2, lines 27-53)..

Regarding on claim 11, Anderson teaches the method of claim 9, further comprising:

accessing a work entry in said work list table (tracking table) (col. 4, liens 47-49);

reading one or more history records of said history table, said one or more

history records comprising a history table read, said one or more history records comprising said history table read determined by said work entry (tracking table) (col. 4, liens 47-49); and

deleting an information record if all the message state fields in all of the history records (message queue) of said history table indicate that said data in said information record has been accessed (tracking table) (col. 4, liens 47-49);

Regarding on claim 12, Anderson teaches the method for managing information of claim 9, further comprising:

batting two or more work entries in said work table list table (received messages in the tracking table) (col. 2, lines 27-53); and

performing in a single transaction reading one or more history records of said history table, said one or more history records determined by said two or more work entries, and deleting one or more information records (delete message address) (col. 4, lines 47-49).

Claim 13 is rejected under the same reason as claim 1, in addition, Smith also discloses an information queue comprising one or more information queue records each said information queue record comprising information to be accessed by one or more consumers (tracking table) (col. 2, lines 27-53).

Regarding on claim 14, Robertson teaches the system for delivery of information to multiple consumers of claim 13, in which each said information queue record further comprises said identification of said information of said information queue record (message field include message identifier) (col. 2, lines 27-53).

Regarding on claim 16, Robertson teaches the system for the delivery of information to multiple consumers of claim 13, further comprising a read-order table record further comprises state field that indicates if the information in said information queue identified in the corresponding information identification field of said table record has been delivered to the consumer identified in the consumer identification field of said table record (tracking table include the order of the message coming) (col. 2, lines 27-53).

Regarding on claim 17, Robertson teaches the system of the delivery of information to multiple consumers of claim 16, in which said read-order table comprises one or more records, each said record of said read-order table comprising in identification field identifies information in an information queue record, each said record of said read-order table further comprising an enqueue time field comprises said order data (tracking table include the massage with time received) (col. 2, lines 27-53).

Regarding on claim 18, Robertson teaches the system for delivery of information to multiple consumers of claim 13, further comprising a work list table, said work list table comprising one or more work list entries, each said work list entry comprising an identification of information in an information queue record (col. 2, lines 27-53).

Regarding on claim 19, Robertson teach the system for the delivery of information to multiple consumers of claim 18, in which each said work list entry is a record (tracking table) (col. 2, lines 27-53);

Regarding on claim 20, Robertson teaches the system for the delivery of information to multiple consumers of claim 18, in which each said work list table

comprises one or more work records and each said work list entry is a field in a work record (col. 3, lines 35-40).

Claim 21 is rejected under the same reason as claim 13, in addition, Robertson discloses a system for the delivery of message to multiple consumer, said system comprising: a work list table separated from said message queue and said history table comprising one or more work list entries, each said work list entry comprising a message identification (tracking table include received messages and each received message include the time, date and delivery) (col. 2, lines 27-53).

Regarding on claim 22, Robertson teaches the system for the delivery of messages to multiple consumers of claim 21, further comprising: a read-order table comprising one or more read-order records, each said read-order-record comprising a message identification and order data, said order data indicating the relative order that the message of said message queue that is identified by the message identification of said read-order record is to be delivered to a consumer (col. 5, lines 20-39).

Regarding on claims 23, 31 and 38, Robertson teaches the method for multiple consumers to access information in a non-in first-out, prescribed order, said information comprising:

providing access to said first piece of information to a first consumer of said multiple consumers (message received for delivering to the user) (col. 3, lines 9-11). Robertson discloses the tracking table includes fields (col. 2, lines 27-53). Robertson does not explicitly teach indicating in a second location in a history table that said first consumer has accessed said first piece of information, said history table having first

message state field for indicating whether said first consumer has accessed said first piece of information; providing access to said first piece of information to a second consumer of said multiple consumers; and indicating in a third location in said history table that said second consumer has accessed said first piece of information, said history table having a second message state field for indicating whether said second consumer has accessed said first piece of information. However, Smith discloses indicating in a second location in a history table that said first consumer has accessed said first piece of information, said history table having first message state field for indicating whether said first consumer has accessed said first piece of information; providing access to said first piece of information to a second consumer of said multiple consumers; and indicating in a third location in said history table that said second consumer has accessed said first piece of information, said history table having a second message state field for indicating whether said second consumer has accessed said first piece of information (col. 6, lines 30-34 and col. 10, lines 12-15 and col. 10, lines 12-15). This suggests the status indicator is the location in the table to indicate the records being accessed by the second user. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Robertson's system to update0 the message stage field to indicate the viewer have been read the message as taught by Smith in order to allow the automatic message deletion upon all user read the message.

Regarding on claims 24, 32 and 39, Robertson teaches the method for multiple consumers to access information of claim 23, in which said first location comprises an

information entry in a queue of information (tracking table include message identifier and address of the recipient) (col. 2, lines 27-53).

Regarding on claims 25, 33 and 40, Robertson discloses teaches the method for multiple consumers to access information of claim 24, in which said queue information comprises one or more information entries, and each said information entry comprises a piece of information to be accessed by one or more of said multiple consumers, each said information entry further comprising an identification of said piece of information of said piece of information in said information entry (tracking table include message identifier and address of the recipient) (col. 2, lines 27-53).

Regarding on claims 26, 34 and 41, Robertson teaches deleting said entry comprising said first piece of information that said first consumer and said second consumer is provided access to from said queue of information after said first consumer after said first consumer and said second have accessed said first piece of information (deletion of message address if desire) (col. 4, lines 47-49).

Regarding on claims 28, 35 and 42, Robertson teaches the method for multiple consumers to access information of claim 23, in which said history table comprises an identification of said first piece of information and an identification of said first consumer (tracking table) (col. 2, lines 27-53).

Regarding on claims 29, 36 and 43, Robertson teaches the method for multiple consumers to access information of claim 28, in which said third location comprises another history entry in said history table, said other history entry comprising an

identification of said first piece of information and in identification of said second consumer (col. 2, lines 27-53).

Regarding on claims 30, 37 and 44, Robertson teaches the method for multiple consumers to access information of claim 23, further comprising:

indicating in a fourth location an order in which said one or more pieces of information is to be accessed by said multiple consumers (recent and previous message) (col. 3, lines 45-47).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041, or unofficial fax number for the purpose of discussion (571) 273-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) 273-8300 [Official Communication]

/Baoquoc N To/

Primary Examiner, Art Unit 2162